

AMENDED IN SENATE APRIL 14, 1998

AMENDED IN SENATE MARCH 26, 1998

SENATE BILL

No. 1436

Introduced by Senator Thompson
(Coauthor: Assembly Member Thomson)

January 26, 1998

~~An act to add Section 69510.7 to the Government Code, to~~
An act to amend Section 6840 of, to add Section 6835.1 to, and
to repeal Sections 6831, 6832, and 6842 of, the Harbors and
Navigation Code, to add Section 116556 to the Health and
Safety Code, to amend Section 5782.27 of the Public Resources
Code, and to amend Section 55310.2 of the Water Code,
relating to local government, and declaring the urgency
thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1436, as amended, Thompson. Local government.

(1) ~~Existing law authorizes a majority of the judges of~~
~~certain county superior courts, upon a finding that no suitable~~
~~additional facilities exist in the county seat or where municipal~~
~~courts hold sessions, to order sessions of the court to be held~~
~~at other locations within the county.~~

~~This bill would authorize a majority of the judges of the~~
~~coordinated Superior and Municipal Courts of the County of~~
~~Lake, upon a finding that no suitable additional facilities exist~~
~~in the county seat or where municipal courts hold sessions, to~~
~~order sessions of the court to be held at any other suitable and~~
~~secure location within the county.~~

~~(2)~~ Existing law provides for the establishment of river port districts which are governed by port commissions with specified membership. Existing law provides that a board of election, constituted as specified, selects the chairman of the commission and the auditor of the district. Existing law provides that meetings of the board of election may be called by the mayor of the city having the largest value of land in the district or any chairman of any board of supervisors of any county in the district.

This bill would eliminate the provisions concerning the board of election, require the commission to select its chairperson, delete the office of district auditor, and specify that a person shall not be ineligible for appointment nor shall his or her offices be deemed incompatible because the person is also an elected official of an appointing governmental authority.

~~(3)~~

(2) Existing law requires any person who operates a public water system to provide a reliable and adequate supply of pure, wholesome, healthful, and potable water. Existing judicial law prohibits the Redwood Valley County Water District from connecting new residential water service because the district lacks an adequate legal source of water.

This bill would authorize the Redwood Valley County Water District to make not more than 450 new $\frac{3}{4}$ -inch equivalent domestic service connections if (a) the district has a contract, agreement, or independent water right to divert water from Lake Mendocino or another adequate source of water supply, (b) Redwood Valley is an allowed place of use under the contract, agreement, or independent water right, and (c) the State Department of Health Services has determined that the water source provides an adequate physical supply of water.

~~(4)~~

(3) Existing law authorizes the Camp Meeker Recreation and Park District to exercise certain powers of a county water district.

This bill would broaden that authorization to allow the district to exercise the powers of a county water district with respect to sewer facilities.



~~(5)~~

(4) Existing law requires the Board of Directors of the Mendocino County Waterworks District #2 to be elected at a district election that is consolidated with the statewide direct primary election.

This bill would delete the requirement that the election be consolidated.

~~(6)~~

(5) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 69510.7 is added to the~~
2 ~~Government Code, to read:~~

3 ~~69510.7. Notwithstanding any other provision of law,~~
4 ~~a majority of the judges of the coordinated Superior and~~
5 ~~Municipal Courts of the County of Lake may, upon a~~
6 ~~finding that no suitable additional facilities exist in the~~
7 ~~county seat or where municipal courts hold sessions,~~
8 ~~order sessions of the court to be held at any other suitable~~
9 ~~and secure location within the county.~~

10 ~~SEC. 2.~~

11 ~~SECTION 1. Section 6831 of the Harbors and~~
12 ~~Navigation Code is repealed.~~

13 ~~SEC. 3.~~

14 ~~SEC. 2. Section 6832 of the Harbors and Navigation~~
15 ~~Code is repealed.~~

16 ~~SEC. 4.~~

17 ~~SEC. 3. Section 6835.1 is added to the Harbors and~~
18 ~~Navigation Code, to read:~~

19 ~~6835.1. A person shall not be ineligible for~~
20 ~~appointment nor shall his or her offices be deemed~~
21 ~~incompatible because that person is also an elected~~
22 ~~official of an appointing governmental authority.~~

23 ~~SEC. 5.~~

24 ~~SEC. 4. Section 6840 of the Harbors and Navigation~~
25 ~~Code is amended to read:~~

1 6840. The commission shall select one of its members
2 as chairperson and select one of its members as vice
3 chairperson, who shall preside in the absence of the
4 chairperson. It may provide for and select such officers as
5 it deems necessary to conduct the affairs of the district.

6 ~~SEC. 6.~~

7 SEC. 5. Section 6842 of the Harbors and Navigation
8 Code is repealed.

9 ~~SEC. 7.~~

10 SEC. 6. Section 116556 is added to the Health and
11 Safety Code, to read:

12 116556. Notwithstanding subdivision (c) of Section
13 116555 and its implementing regulations, including
14 Sections 64562 and 64568 of the California Code of
15 Regulations, Redwood Valley County Water District may
16 make not more than 450 new ³/₄-inch equivalent
17 domestic service connections to its water system if all of
18 the following conditions are met:

19 (a) The district has a contract, agreement, or
20 independent water right to divert water from Lake
21 Mendocino or another adequate source of water supply.

22 (b) Redwood Valley is an allowed place of use under
23 that contract, agreement, or water right.

24 (c) The department has determined that the water
25 source provides an adequate physical supply of water
26 under its duly adopted waterworks standards.

27 ~~SEC. 8.~~

28 SEC. 7. Section 5782.27 of the Public Resources Code
29 is amended to read:

30 5782.27. (a) In addition to the powers which may be
31 exercised pursuant to this chapter, the Camp Meeker
32 Recreation and Park District may exercise the powers of
33 a county water district as set forth in Article 1
34 (commencing with Section 31000) to Article 6
35 (commencing with Section 31100), inclusive, of Part 5 of
36 Division 12 of the Water Code, Part 6 (commencing with
37 Section 31300) of Division 12 of the Water Code, and Part
38 7 (commencing with Section 31650) of Division 12 of the
39 Water Code.

(b) The powers granted to the Camp Meeker Recreation and Park District by this section may be exercised by the district only if the authority to exercise these powers is approved by the local agency formation commission.

~~SEC. 9.~~

SEC. 8. Section 55310.2 of the Water Code is amended to read:

55310.2. (a) Notwithstanding Section 55301, the Board of Directors of the Mendocino County Waterworks District #2 shall be elected. The elected board of directors shall act as the governing board of the district.

(b) There shall be five members of the board who shall be elected at large throughout the district. The directors shall be residents of the district at the time of election and shall remain residents throughout their term. Failure to maintain residency shall cause the director to vacate the office. The directors shall serve four-year terms. The election of directors shall be held by the all-mailed ballot procedure pursuant to Division 4 (commencing with Section 4000) of the Elections Code on the date described in Section 1501 of the Elections Code.

(c) Elections for the directors shall be conducted by the county clerk or by another election officer designated by the Mendocino Board of Supervisors. The district shall be responsible for the cost of the district elections.

(d) Unless otherwise provided or required by this section, Part 4 (commencing with Section 10500) of Division 10 of the Elections Code shall apply to the conduct of the district election.

(e) Any vacancy on the board, other than upon the expiration of a term, shall be filled by a majority vote of the directors. However, no vacancy shall be filled by less than three members' affirmative votes. If the board fails to fill a vacancy within 60 days of the vacancy or if the membership of the board is less than four, the Mendocino County Board of Supervisors may appoint members to fill the vacancies. Appointed members shall serve until the next district election at which time the remainder of the

1 unexpired term shall be filled at that election in the
2 manner provided in this section.

3 (f) Directors shall be elected without reference to
4 districts and, except for the filling of unexpired terms,
5 without reference to a specific directorship. All
6 candidates for open seats, except for the filling of
7 unexpired terms, shall appear on the same ballot. Voters
8 shall be allowed to vote for the number of candidates
9 equal to the open seats; that number of candidates equal
10 to the number of open seats that receive a plurality shall
11 be elected. Write-in votes shall be counted, provided that
12 the write-in candidate shall have complied with the
13 requirements of subdivision (d) pertaining to the filing of
14 a nomination form and signatures with the county clerk
15 no less than 14 days prior to the election.

16 (g) Directors duly elected and certified at the first
17 election shall assume office on July 1, 1996. The two-year
18 terms shall expire on June 30, 1998. The first four-year
19 terms shall expire on June 30, 2000. All subsequent terms
20 shall expire on the last day of June in even-numbered
21 years.

22 (h) Directors shall receive no compensation for
23 service, except as permitted under Section 55305, but
24 may be reimbursed only for necessary and actual
25 expenses. Regulations governing reimbursement may be
26 adopted by the board.

27 (i) Effective July 1, 1996, the elected Mendocino
28 County Waterworks District #2 Board of Directors shall
29 succeed to and have all the powers previously conferred
30 upon the board of supervisors and the appointed board of
31 directors in reference to this district.

32 ~~SEC. 10.~~

33 *SEC. 9.* This act is an urgency statute necessary for the
34 immediate preservation of the public peace, health, or
35 safety within the meaning of Article IV of the
36 Constitution and shall go into immediate effect. The facts
37 constituting the necessity are:

38 In order to allow ~~the Lake County court system,~~ various
39 port commissions, the Redwood Valley County Water
40 District, the Camp Meeker Recreation and Park District,

1 and the Board of Directors of the Mendocino County
2 Waterworks District #2 to operate promptly and
3 effectively to resolve public concerns, it is necessary for
4 this act to take effect immediately.

O

